

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STEPHANIE HADLEY, an individual,

Plaintiff,

v.

FOSTER FARMS LLC, a Washington limited  
liability company; FOSTER POULTRY  
FARMS DBA FOSTER POULTRY FARMS  
INCORPORATED, a Washington corporation;

Defendants.

NO.

**COMPLAINT AND JURY  
DEMAND**

Plaintiff Stephanie Hadley brings this action against defendants Foster Farms LLC, and Foster Poultry Farms d/b/a Foster Poultry Farms Incorporated (collectively “Foster Farms” or “Defendants”) for disability discrimination, failure to accommodate, and retaliation. Plaintiff alleges as follows:

**I. PARTIES**

1.1 Plaintiff Stephanie Hadley is an individual with a disability residing in Kelso, Cowlitz County, Washington.

1.2 Upon information and belief, Defendant Foster Farms LLC is a limited liability company duly registered and conducting business in the State of Washington.

1.3 Upon information and belief, Defendant Foster Poultry Farms d/b/a Foster Poultry Farms Incorporated is a corporation duly registered and conducting business in the State of Washington.

1.4 At all relevant times hereto, Ms. Hadley was employed by one or all of the above-named defendants at Foster Farms' plant in Kelso, Cowlitz County, Washington.

## II. JURISDICTION AND VENUE

2.1 At all times relevant hereto, the Defendants were doing business in Cowlitz County, Washington. Defendants are "employers" subject to statutes governing employment in the State of Washington.

2.2 This Court has jurisdiction pursuant to 28 U.S.C. § 1331, which gives district courts original jurisdiction over civil actions arising in the Constitution, laws, or treaties of the United States.

2.3 This Court has jurisdiction pursuant to 28 U.S.C. § 1343(a)(4), which gives district courts jurisdiction over actions to secure civil rights under Acts of Congress.

2.4 This Court has jurisdiction pursuant to 28 U.S.C. § 1367, which gives district courts supplemental jurisdiction over related state law claims.

2.5 This court has jurisdiction, as Plaintiff has satisfied all jurisdictional prerequisites to the maintenance of this action. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on October 28, 2019.

1 On April 23, 2020, the EEOC issued a Notice of Right to Sue, and Plaintiff is  
2 filing this action within 90 days of receiving the Notice.

3 2.6 Venue is appropriate in this judicial district under 28 U.S.C. § 1391 because the  
4 practices and procedures that gave rise to the Plaintiff's Complaint occurred in this  
5 district and the Defendants reside in this district

6 **III. FACTUAL BACKGROUND**

7 3.1 In April 2019, Plaintiff Stephanie Hadley was hired by Foster Farms as a temporary  
8 employee. Ms. Hadley was hired on as a full-time employee in July 2019.

9 3.2 Ms. Hadley worked as a Graveyard Sanitation team member.

10 3.3 Ms. Hadley was successful in her position, consistently receiving positive feedback  
11 from her supervisors.

12 3.4 In May 2019, Ms. Hadley was assigned to work on Foster Farms' scalding machine,  
13 which utilizes hot water at a temperature of 120 degrees.

14 3.5 Ms. Hadley has sickle cell anemia, a condition that causes pain and nausea when she  
15 is exposed to extreme temperatures. As a result of her condition, Ms. Hadley became  
16 ill while working on the scalding machine.

17 3.6 In June 2019, Ms. Hadley approached her lead supervisor, Shelby<sup>1</sup>, and requested a  
18 transfer to a different machine due to her medical condition.

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<sup>1</sup> Shelby's last name is unknown at this time. No disrespect is intended by the use of her first name.

1 3.7 Shelby made no effort to assist Ms. Hadley or engage in the interactive reasonable  
2 accommodation process.

3 3.8 Instead, Shelby informed Ms. Hadley that “it’s really hot for everybody” and  
4 required Ms. Hadley to continue working on the scalders.

5 3.9 Thereafter Ms. Hadley sought help from her supervisors Troy Hampton and Felipe  
6 Losolla. Mr. Hampton and Mr. Losolla also failed to assist Ms. Hadley or engage in  
7 the interactive reasonable accommodation process.

8 3.10 Rather than attempt to determine a reasonable accommodation for Ms. Hadley, Mr.  
9 Losolla informed her that “if we moved everyone who didn’t want to work on the  
10 scalders we wouldn’t have anyone working there.”

11 3.11 After learning of her condition and request for accommodation, Mr. Hampton and  
12 Mr. Losolla began retaliating against Ms. Hadley.

13 3.12 Mr. Hampton and Mr. Losolla frequently made inappropriate comments to Ms.  
14 Hadley mocking her condition.

15 3.13 Mr. Hampton and Mr. Losolla also discussed Ms. Hadley’s condition with her co-  
16 workers in a derisive manner.

17 3.14 Ms. Hadley was often sent home from work early for no reason, causing her to lose  
18 pay.

19 3.15 Managers scrutinized Ms. Hadley’s work excessively and unfairly on a regular basis.

20 3.16 Despite the difficulties caused by her medical condition, Ms. Hadley continued to  
21 perform her job successfully and effectively.

1 3.17 In September 2019, Ms. Hadley formally notified Foster Farms' human resources  
2 department of her medical condition and requested accommodation in order to safely  
3 perform her job.

4 3.18 Ms. Hadley requested that Foster Farms transfer her to a different machine within  
5 the facility.

6 3.19 Ms. Hadley also provided documentation from her medical provider instructing that  
7 she be provided working conditions with temperatures between sixty and one  
8 hundred degrees Fahrenheit.

9 3.20 At that time, Foster Farms transferred Ms. Hadley to the facility's post-chill area.

10 3.21 The post chill area is located in a freezer and has extremely cold temperatures.

11 3.22 Ms. Hadley was assigned to a workstation directly beneath a condenser that  
12 regularly blows cold air.

13 3.23 The extremely cold temperatures exacerbated Ms. Hadley's condition.

14 3.24 Ms. Hadley asked to be allowed to wear a freezer jacket that would protect her from  
15 the cold.

16 3.25 Foster Farms denied this basic accommodation, claiming that the jacket was not  
17 "appropriate for sanitation" and that it "wouldn't work with the chemicals."

18 3.26 Although there were numerous accommodations that could have easily been made in  
19 order to allow Ms. Hadley to be able to continue working, Foster Farms refused.

20 3.27 Instead, Foster Farms required Ms. Hadley to take an unpaid leave of absence for an  
21 indefinite period beginning in October 2019.

1 3.28 During this time, Foster Farms claimed that it was regularly monitoring the  
2 temperature in the facility and would allow Ms. Hadley to return to work once the  
3 temperatures were between sixty and one hundred degrees.

4 3.29 During her leave of absence, Ms. Hadley attempted numerous times to transfer into  
5 open positions within Foster Farms where she would not be subject to extreme  
6 temperatures.

7 3.30 Ms. Hadley applied for approximately eight vacant positions for which she was  
8 qualified.

9 3.31 With one exception, Foster Farms refused to even review Ms. Hadley's applications.

10 3.32 Foster Farms interviewed Ms. Hadley for only one position.

11 3.33 Foster Farms denied Ms. Hadley that position, claiming that another candidate was  
12 more qualified.

13 3.34 In October 2019, Ms. Hadley filed a Charge of Discrimination with the Washington  
14 State Human Rights Commission and the Equal Employment Opportunity  
15 Commission.

16 3.35 On April 23, 2020, the Equal Employment Opportunity Commission issued a Notice  
17 of Right to Sue, indicating that the EEOC would be unable to complete its  
18 administrative processing within 180 days.

19 3.36 Ms. Hadley was finally allowed to return to work at Foster Farms in June 2020.

20 3.37 After her return to work, Foster Farms continued to retaliate and discriminate against  
21 Ms. Hadley by, *inter alia*, criticizing her work under false pretenses and refusing to

1 allow her to work overtime hours, instead giving those hours to employees with less  
2 seniority.

3 **IV. JURY DEMAND**

4 Plaintiff hereby requests a jury of 8 or 12 persons to determine all issues of fact raised  
5 herein.

6 **V. CAUSES OF ACTION**

7 **FIRST CAUSE OF ACTION**

8 **(Discrimination and Retaliation in Violation of the Washington Law Against  
Discrimination, RCW 49.60 *et seq.*)**

9 5.1 At all times relevant hereto, Ms. Hadley performed her job duties successfully.

10 5.2 Beginning in June 2019, Ms. Hadley requested accommodations for her disability.

11 5.3 Ms. Hadley's actions in this regard constitute protected activities under the  
12 Washington Law Against Discrimination, RCW 49.60 *et seq.*

13 5.4 After seeking disability accommodations, Ms. Hadley was subjected to unwelcome  
14 statements of a discriminatory nature as set forth in Plaintiff's Statement of Facts,  
15 *supra*, and incorporated herein by reference.

16 5.5 Ms. Hadley was also subjected to actions of a discriminatory and retaliatory nature,  
17 including being forced to take unpaid leave for an extended period of time because  
18 of her disability.

19 5.6 These statements and actions are imputable to Foster Farms because they were made  
20 by Foster Farms' managers and because Foster Farms failed to take reasonably  
21 prompt and adequate corrective action.

1 5.7 Ms. Hadley was subject to these statements and/or actions because of her disability  
2 and request for medically necessary accommodations.

3 5.8 Defendants retaliated against Ms. Hadley because she engaged in protected activities  
4 by imposing adverse employment actions against Ms. Hadley.

5 5.9 As a direct and proximate result of Defendants' violations of Washington's Law  
6 Against Discrimination, RCW 49.60 *et seq.*, Ms. Hadley has sustained substantial  
7 damages including, but not limited to, back pay, front pay, and other benefits, and  
8 emotional distress, in an amount to be proven at trial.

9 **SECOND CAUSE OF ACTION**

**Discrimination in Violation of the Americans With Disabilities Act, 42 U.S.C. § 12111**

10 5.10 The ADA and relevant implementing regulations make it unlawful to "discriminate  
11 against a qualified individual on the basis of disability." 42 U.S.C. § 12112(a). This  
12 includes, among other things, "not making reasonable accommodations to the  
13 known physical or mental limitations of an otherwise qualified individual with a  
14 disability...". 42 U.S.C. § 12112(b)(5).

15 5.11 Ms. Hadley is a "qualified individual" within the meaning of 42 U.S.C. § 12111(8)  
16 who can perform the essential functions of her position with or without reasonable  
17 accommodation, as demonstrated by her successful performance prior to being  
18 placed on unpaid leave.

19 5.12 Ms. Hadley is an individual with a disability within the meaning of 42 U.S.C. §  
20 12101(2)(B). Her sickle cell anemia means that she is substantially limited in the  
21



1 major life activities of circulatory function, oxygen saturation, and temperature  
2 regulation.

3 5.13 Reasonable accommodations include solutions such as reassignment to a vacant  
4 position, acquisition or modification of equipment or devices, and other similar  
5 accommodations. 42 U.S.C. § 12111(9).

6 5.14 Since June 2019, Ms. Hadley has consistently and repeatedly requested  
7 accommodations for her condition.

8 5.15 Defendants did not engage in an interactive process to determine what reasonable  
9 accommodations would be required for Ms. Hadley to continue her work and instead  
10 required Ms. Hadley to take unpaid leave.

11 5.16 Defendants' discriminatory conduct as alleged in this Complaint entitles Ms. Hadley  
12 to compensation for her damages as well as recovery of her attorneys' fees and costs  
13 incurred in bringing his action. 42 U.S.C. § 12117.

14 **THIRD CAUSE OF ACTION**  
15 **(Failure to Accommodate in Violation of the Washington Law Against Discrimination, RCW**  
16 **49.60 et seq.)**

17 5.17 At all times relevant hereto, Ms. Hadley performed her job duties successfully.

18 5.18 Ms. Hadley provided Defendants with notice of her disability and the  
19 accommodations recommended by her physician.

20 5.19 There were numerous reasonable accommodations available that would not create an  
21 undue hardship for Defendants.

1 5.20 Defendants failed to provide Ms. Hadley with medically necessary accommodations  
2 to enable her to continue performing her job despite her disability.

3 5.21 Rather than provide Ms. Hadley with reasonable accommodation, Defendants placed  
4 her on unpaid leave for an extended period of time.

5 5.22 As a direct and proximate result of Defendants' violations of Washington's Law  
6 Against Discrimination, RCW 49.60 *et seq.*, Ms. Hadley has suffered damages in  
7 including, but not limited to, back pay, front pay, and other benefits, and emotional  
8 distress, in an amount to be proven at trial.

9 **VI. RELIEF REQUESTED**

10 Plaintiff requests the following relief:

- 11 1. Judgment in favor of plaintiff on the claims set forth above;
- 12 2. An order awarding plaintiff's economic damages in an amount to be proven at trial;
- 13 3. An order awarding plaintiff's compensatory damages, including non-economic  
14 damages, in an amount to be proven at trial;
- 15 4. An award of reasonable attorneys' fees and costs; and
- 16 5. Such other and further relief as the Court may deem just and equitable.

17  
18 DATED this 21st day of July, 2020.

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